

REMARKS

Claims 1-5, 7, 8, 10-12, 20, and 22-26 are currently pending in the subject application and are presently under consideration. Claims 20 and 22-26 have been allowed. Claims 6, 9, 13-19 and 21 are cancelled. Claim 1 has been amended as shown on page 2 of the Reply.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Allowed Subject Matter

Applicant thanks Examiner for the indication of the allowable subject matter of claims 20 and 22 – 26.

I. Objection to Claims 15-19 Under 37 CFR 1.75

Claims 15-19 stand objected to under 37 CFR 1.75 as being substantial duplicates of allowed claims 20 and 22-24. Claims 15-19 have been cancelled rendering the objection moot.

II. Rejection of Claims 1-5, 7, 8, and 10-12 Under 35 U.S.C. §101

Claims 1-5, 7, 8, and 10-12 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. It is requested that this rejection be withdrawn for at least the following reasons. Based on Supreme Court precedent and recent Federal Circuit decisions, a § 101 process must (1) be tied to a machine or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. *In re Bilski et al.*, 88 USPQ 2d 1385 CAFC (2008); *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780,787-88 (1876). Accordingly, claim 1 has been amended to recite *employing a processor to execute the prepaying of roaming minutes*. As amended, claim 1 satisfies the first prong of the Supreme Court's test as being tied to a machine. Further, as indicated by the examiner, the inclusion of the machine within the body of the claim causes claim 1 to fall within the statutory subject matter of 35 U.S.C. §101. Therefore withdraw of the rejection of claim 1 and claims 2-5, 7, 8, and 10-12, which depend therefrom, is respectfully requested.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 01163US [ATTWP326US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,
AMIN, TUROCY & CALVIN, LLP

/Himanshu S. Amin/
Himanshu S. Amin
Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP
127 Public Square
57th Floor, Key Tower
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731